

Conference Engrossed

State of Arizona  
House of Representatives  
Forty-sixth Legislature  
Second Regular Session  
2004

CHAPTER 319

## HOUSE BILL 2323

AN ACT

AMENDING SECTIONS 28-2351, 28-2403, 28-6501, 28-6991 AND 28-6993, ARIZONA REVISED STATUTES; AMENDING TITLE 28, CHAPTER 7, ARTICLE 12, ARIZONA REVISED STATUTES, BY ADDING SECTION 28-2420; AMENDING TITLE 41, CHAPTER 1, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTIONS 41-110 AND 41-111; RELATING TO SPAYING AND NEUTERING OF ANIMALS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 28-2351, Arizona Revised Statutes, is amended to  
3 read:

4 28-2351. License plate provided; design

5 A. The department shall provide to every owner one license plate for  
6 each vehicle registered. At the request of the owner and on payment of any  
7 required fee, the department shall provide either one or two license plates  
8 for a vehicle for which a special plate is requested pursuant to this  
9 chapter, except that the department shall provide one license plate if the  
10 special plate is issued pursuant to section 28-2404, 28-2409 or 28-2416.

11 B. The license plate shall display the number assigned to the vehicle  
12 and to the owner of the vehicle and the name of this state, which may be  
13 abbreviated. The director shall coat the license plate with a reflective  
14 material that is consistent with the determination of the license plate  
15 commission established by section 28-2405 regarding the color and design of  
16 license plates and special plates as prescribed by section 28-2405. The  
17 director shall design the license plate and the letters and numerals on the  
18 license plate to be of sufficient size to be plainly readable during daylight  
19 from a distance of one hundred feet.

20 C. Notwithstanding any other law, the department shall not contract  
21 with a nongovernmental entity to purchase or secure reflective material for  
22 the plates issued by the department unless the department has made a  
23 reasonable effort to secure qualified bids or proposals from as many  
24 individual responsible respondents as possible.

25 D. The license plate commission established by section 28-2405 shall  
26 determine the color and design of the license plate. All other plates issued  
27 by the department, except the plates issued pursuant to sections 28-2412,  
28 28-2413, 28-2414, 28-2416 through ~~28-2419~~ 28-2420, 28-2452, 28-2453, 28-2454  
29 and 28-2455 and article 14 of this chapter, shall be the same color as and  
30 similar in design to the license plate as determined by the commission.

31 E. A passenger motor vehicle rented without a driver shall receive the  
32 same type of license plate as issued for a private passenger motor vehicle.

33 Sec. 2. Section 28-2403, Arizona Revised Statutes, is amended to read:

34 28-2403. Special plates; transfers; violation; classification

35 A. Except as otherwise provided in this article, the department shall  
36 issue or renew special plates in lieu of the regular license plates pursuant  
37 to the following conditions and procedures and only if the requirements  
38 prescribed by this article for the requested special plates are met:

39 1. Except as provided in section 28-2416, a person who is the  
40 registered owner of a vehicle registered with the department or who applies  
41 for an original or renewal registration of a vehicle may submit to the  
42 department a completed application form as prescribed by the department with  
43 the fee prescribed by section 28-2402 for special plates in addition to the  
44 registration fee prescribed by section 28-2003.

1           2. Except for plates issued pursuant to sections 28-2412, 28-2413,  
2 28-2414, 28-2416 through ~~28-2419~~ 28-2420, 28-2452, 28-2453, 28-2454 and  
3 28-2455 and article 14 of this chapter, the special plates shall be the same  
4 color as and similar to the design of the regular license plates that is  
5 determined by the license plate commission pursuant to section 28-2351.

6           3. Except as provided in section 28-2416, the department shall issue  
7 special plates only to the owner or lessee of a vehicle that is currently  
8 registered, including any vehicle that has a declared gross weight, as  
9 defined in section 28-5431, of twenty-six thousand pounds or less.

10          4. Except as provided in section 28-2416, the department shall charge  
11 the fee prescribed by section 28-2402 for each annual renewal of special  
12 plates in addition to the registration fee prescribed by section 28-2003.

13          B. Except as provided in section 28-2416, on notification to the  
14 department and on payment of the transfer fee prescribed by section 28-2402,  
15 a person who is issued special plates may transfer the special plates to  
16 another vehicle the person owns or leases. Persons who are issued special  
17 plates for hearing impaired persons pursuant to section 28-2408 and  
18 international symbol of access special plates pursuant to section 28-2409 are  
19 exempt from the transfer fee. If a person who is issued special plates  
20 sells, trades or otherwise releases ownership of the vehicle on which the  
21 plates have been displayed, the person shall immediately report the transfer  
22 of the plates to the department or the person shall surrender the plates to  
23 the department as prescribed by the director. It is unlawful for a person  
24 to whom the plates have been issued to knowingly permit them to be displayed  
25 on a vehicle except the vehicle authorized by the department.

26          C. The special plates shall be affixed to the vehicle for which  
27 registration is sought in lieu of the regular license plates.

28          D. A person is guilty of a class 3 misdemeanor who:

29           1. Violates subsection B of this section.

30           2. Fraudulently gives false or fictitious information in the  
31 application for or renewal of special plates or placards issued pursuant to  
32 this article.

33           3. Conceals a material fact or otherwise commits fraud in the  
34 application for or renewal of special plates or placards issued pursuant to  
35 this article.

36          Sec. 3. Title 28, chapter 7, article 12, Arizona Revised Statutes, is  
37 amended by adding section 28-2420, to read:

38          28-2420. Spaying and neutering of animals special plates

39          A. IF, BY JUNE 30, 2005, AN ENTITY THAT IS ORGANIZED AS A NONPROFIT  
40 CORPORATION PURSUANT TO TITLE 10, CHAPTERS 24 THROUGH 40 AND THAT HAS A  
41 MISSION TO PROVIDE FOR THE WELFARE AND PROTECTION OF ANIMALS PAYS THIRTY-TWO  
42 THOUSAND DOLLARS TO THE DEPARTMENT FOR THE IMPLEMENTATION OF THIS SECTION,  
43 THE DEPARTMENT SHALL ISSUE SPAYING AND NEUTERING OF ANIMALS SPECIAL PLATES.  
44 THE COMPANION ANIMAL SPAY AND NEUTER COMMITTEE ESTABLISHED BY SECTION 41-110  
45 SHALL DESIGN THE SPAYING AND NEUTERING OF ANIMALS SPECIAL PLATES. THE DESIGN

1 AND COLOR OF THE SPAYING AND NEUTERING OF ANIMALS SPECIAL PLATES ARE SUBJECT  
2 TO THE APPROVAL OF THE DEPARTMENT.

3 B. OF THE TWENTY-FIVE DOLLAR FEE REQUIRED BY SECTION 28-2402 FOR THE  
4 ORIGINAL SPECIAL PLATES AND FOR RENEWAL OF SPECIAL PLATES, EIGHT DOLLARS IS  
5 A SPECIAL PLATE ADMINISTRATION FEE AND SEVENTEEN DOLLARS IS AN ANNUAL  
6 DONATION.

7 C. THE DEPARTMENT SHALL DEPOSIT, PURSUANT TO SECTIONS 35-146 AND  
8 35-147, ALL SPECIAL PLATE ADMINISTRATION FEES IN THE STATE HIGHWAY FUND  
9 ESTABLISHED BY SECTION 28-6991 AND ALL DONATIONS COLLECTED PURSUANT TO THIS  
10 SECTION IN THE SPAYING AND NEUTERING OF ANIMALS FUND ESTABLISHED BY SECTION  
11 41-111.

12 Sec. 4. Section 28-6501, Arizona Revised Statutes, is amended to read:

13 28-6501. Definition of highway user revenues

14 In this article, unless the context otherwise requires or except as  
15 otherwise provided by statute, "highway user revenues" means all monies  
16 received in this state from licenses, taxes, penalties, interest and fees  
17 authorized by the following:

18 1. Chapters 2, 7, 8 and 15 of this title, except for:

19 (a) The special plate administration fees prescribed in sections  
20 28-2404, 28-2412 through ~~28-2419~~ 28-2420 and 28-2514.

21 (b) The donations prescribed in sections 28-2404, 28-2412 through  
22 28-2415, 28-2417, ~~28-2418~~ THROUGH 28-2420, 28-2453, 28-2454 and 28-2455.

23 2. Chapters 10 and 11 of this title.

24 3. Chapter 16, articles 1, 2 and 4 of this title, except as provided  
25 in sections 28-5926 and 28-5927.

26 Sec. 5. Section 28-6991, Arizona Revised Statutes, is amended to read:

27 28-6991. State highway fund; sources

28 A state highway fund is established that consists of:

29 1. Monies distributed from the Arizona highway user revenue fund  
30 pursuant to chapter 18 of this title.

31 2. Monies appropriated by the legislature.

32 3. Monies received from donations for the construction, improvement  
33 or maintenance of state highways or bridges. These monies shall be credited  
34 to a special account and shall be spent only for the purpose indicated by the  
35 donor.

36 4. Monies received from counties under cooperative agreements,  
37 including proceeds from bond issues. The state treasurer shall deposit these  
38 monies to the credit of the fund in a special account on delivery to the  
39 treasurer of a concise written agreement between the department and the  
40 county stating the purposes for which the monies are surrendered by the  
41 county, and these monies shall be spent only as stated in the agreement.

42 5. Monies received from the United States under an act of Congress to  
43 provide aid for the construction of rural post roads, but monies received on  
44 projects for which the monies necessary to be provided by this state are  
45 wholly derived from sources mentioned in paragraphs 2 and 3 of this section

1 shall be allotted by the department and deposited by the state treasurer in  
2 the special account within the fund established for each project. On  
3 completion of the project, on the satisfaction and discharge in full of all  
4 obligations of any kind created and on request of the department, the  
5 treasurer shall transfer the unexpended balance in the special account for  
6 the project into the state highway fund, and the unexpended balance and any  
7 further federal aid thereafter received on account of the project may be  
8 spent under the general provisions of this title.

9 6. Monies in the custody of an officer or agent of this state from any  
10 source that is to be used for the construction, improvement or maintenance  
11 of state highways or bridges.

12 7. Monies deposited in the state general fund and arising from the  
13 disposal of state personal property belonging to the department.

14 8. Receipts from the sale or disposal of any or all other property  
15 held by the department and purchased with state highway monies.

16 9. Monies generated pursuant to section 28-410.

17 10. Monies distributed pursuant to section 28-5808, subsection B,  
18 paragraph 2, subdivision (d).

19 11. Monies deposited pursuant to sections 28-1143, 28-2353 and 28-3003.

20 12. Except as provided in section 28-5101, the following monies:

21 (a) Monies deposited pursuant to section 28-2206 and section 28-5808,  
22 subsection B, paragraph 2, subdivision (e).

23 (b) One dollar of each registration fee and one dollar of each title  
24 fee collected pursuant to section 28-2003.

25 (c) Two dollars of each late registration penalty collected by the  
26 director pursuant to section 28-2162.

27 (d) The air quality compliance fee collected pursuant to section  
28 49-542.

29 (e) The special plate administration fees collected pursuant to  
30 sections 28-2404, 28-2412 through ~~28-2419~~ 28-2420 and 28-2514.

31 (f) Monies collected pursuant to sections 28-372, 28-2155 and 28-2156  
32 if the director is the registering officer.

33 13. Monies deposited pursuant to chapter 5, article 5 of this title.

34 14. Donations received pursuant to section 28-2269.

35 15. Dealer and registration monies collected pursuant to section  
36 28-4304.

37 16. Abandoned vehicle administration monies deposited pursuant to  
38 section 28-4804.

39 17. Monies deposited pursuant to section 28-710, subsection D,  
40 paragraph 2.

41 Sec. 6. Section 28-6993, Arizona Revised Statutes, is amended to read:  
42 28-6993. State highway fund; authorized uses

43 A. Except as provided in subsection B of this section and section  
44 28-6538, the state highway fund shall be used for any of the following

1 purposes in strict conformity with and subject to the budget as provided by  
2 this section and by sections 28-6997 through 28-7003:

3 1. To pay salaries, wages, necessary travel expenses and other  
4 expenses of officers and employees of the department and the incidental  
5 office expenses, including telegraph, telephone, postal and express charges  
6 and printing, stationery and advertising expenses.

7 2. To pay for both:

8 (a) Equipment, supplies, machines, tools, department offices and  
9 laboratories established by the department.

10 (b) The construction and repair of buildings or yards of the  
11 department.

12 3. To pay the cost of both:

13 (a) Engineering, construction, improvement and maintenance of state  
14 highways and parts of highways forming state routes.

15 (b) Highways under cooperative agreements with the United States that  
16 are entered into pursuant to this chapter and an act of Congress providing  
17 for the construction of rural post roads.

18 4. To pay land damages incurred by reason of establishing, opening,  
19 altering, relocating, widening or abandoning portions of a state route or  
20 state highway.

21 5. To reimburse the department revolving account.

22 6. To pay premiums on authorized indemnity bonds and on compensation  
23 insurance under the workers' compensation act.

24 7. To defray lawful expenses and costs required to administer and  
25 carry out the intent, purposes and provisions of this title, including  
26 repayment of obligations entered into pursuant to this title, payment of  
27 interest on obligations entered into pursuant to this title, repayment of  
28 loans and other financial assistance, including repayment of advances and  
29 interest on advances made to the department pursuant to section 28-7677, and  
30 payment of all other obligations and expenses of the board and department  
31 pursuant to chapter 21 of this title.

32 8. To pay lawful bills and charges incurred by the state engineer.

33 9. To acquire, construct or improve entry roads to state parks or  
34 roads within state parks.

35 10. To acquire, construct or improve entry roads to state prisons.

36 11. To pay the cost of relocating a utility facility pursuant to  
37 section 28-7156.

38 12. For the purposes provided in subsections C, D and E of this section  
39 and sections 28-1143, 28-2353 and 28-3003.

40 B. For each fiscal year, the department of transportation shall  
41 allocate and transfer monies in the state highway fund to the department of  
42 public safety for funding a portion of highway patrol costs in eight  
43 installments in each of the first eight months of a fiscal year that do not  
44 exceed ten million dollars.

1 C. Subject to legislative appropriation, the department may use the  
2 monies in the state highway fund as prescribed in section 28-6991, paragraph  
3 12 to carry out the duties imposed by this title for registration or titling  
4 of vehicles, to operate joint title, registration and driver licensing  
5 offices, to cover the administrative costs of issuing the air quality  
6 compliance sticker, modifying the year validating tab and issuing the  
7 windshield sticker and to cover expenses and costs in issuing special plates  
8 pursuant to sections 28-2404, 28-2412 through ~~28-2419~~ 28-2420 and 28-2514.

9 D. The department shall use monies deposited in the state highway fund  
10 pursuant to chapter 5, article 5 of this title only as prescribed by that  
11 article.

12 E. Monies deposited in the state highway fund pursuant to section  
13 28-2269 shall be used only as prescribed by that section.

14 F. Monies deposited in the state highway fund pursuant to section  
15 28-710, subsection D, paragraph 2 shall only be used for state highway work  
16 zone traffic control devices.

17 G. The department may exchange monies distributed to the state highway  
18 fund pursuant to section 28-6538, subsection A, paragraph 1 for local  
19 government surface transportation program federal monies suballocated to  
20 councils of government and metropolitan planning organizations if the local  
21 government scheduled to receive the federal monies concurs. An exchange of  
22 state highway fund monies pursuant to this subsection shall be in an amount  
23 that is at least equal to ninety per cent of the federal obligation authority  
24 that exists in the project for which the exchange is proposed.

25 Sec. 7. Title 41, chapter 1, article 1, Arizona Revised Statutes, is  
26 amended by adding sections 41-110 and 41-111, to read:

27 41-110. Companion animal spay and neuter committee

28 A. THE COMPANION ANIMAL SPAY AND NEUTER COMMITTEE IS ESTABLISHED  
29 CONSISTING OF THE FOLLOWING SEVEN MEMBERS WHO RESIDE IN THIS STATE AND WHO  
30 ARE APPOINTED BY THE GOVERNOR:

31 1. TWO MEMBERS, EACH REPRESENTING A DIFFERENT HUMANE SOCIETY THAT IS  
32 INCORPORATED IN THIS STATE AND THAT DOES NOT PROVIDE ANIMAL CONTROL SERVICES.

33 2. TWO MEMBERS, EACH REPRESENTING A DIFFERENT ANIMAL CONTROL ENTITY  
34 THAT IS NOT AFFILIATED WITH A HUMANE SOCIETY.

35 3. ONE MEMBER WHO REPRESENTS A HUMANE SOCIETY WITH AN ANIMAL CONTROL  
36 ACT.

37 4. ONE MEMBER WHO REPRESENTS THE ARIZONA VETERINARY MEDICAL  
38 ASSOCIATION.

39 5. ONE MEMBER WHO REPRESENTS AN ESTABLISHED COMMUNITY COALITION OF  
40 ANIMAL WELFARE ORGANIZATIONS.

41 B. THE COMPANION ANIMAL SPAY AND NEUTER COMMITTEE MEMBERS SHALL SERVE  
42 FIVE YEAR TERMS.

43 C. THE COMMITTEE SHALL:

44 1. DISTRIBUTE MONIES FROM THE SPAYING AND NEUTERING OF ANIMALS FUND  
45 ESTABLISHED BY SECTION 41-111. THE COMMITTEE MAY DESIGNATE A THIRD PARTY

1 ADMINISTRATOR WHO SHALL ASSUME THE RESPONSIBILITIES OF RECEIVING  
2 APPLICATIONS, MAKING DECISIONS RELATING TO THE DISTRIBUTION OF MONIES AND  
3 COMPLYING WITH THE DISTRIBUTION REQUIREMENTS PRESCRIBED IN SECTION 41-111.  
4 FOR THE PURPOSES OF THIS SECTION, THE THIRD PARTY ADMINISTRATOR SHALL BE A  
5 CORPORATION THAT FILES UNDER SECTION 501(c)(3) OF THE UNITED STATES INTERNAL  
6 REVENUE CODE FOR FEDERAL INCOME TAX PURPOSES AND THAT IS EXPERIENCED IN  
7 AWARDED GRANTS.

8 2. SUBMIT A WRITTEN REPORT TO THE GOVERNOR, THE PRESIDENT OF THE  
9 SENATE AND THE SPEAKER OF THE HOUSE OF REPRESENTATIVES PURSUANT TO SECTION  
10 41-111.

11 D. MEMBERS OF THE COMMITTEE ARE NOT ELIGIBLE TO RECEIVE COMPENSATION  
12 BUT ARE ELIGIBLE FOR REIMBURSEMENT OF EXPENSES PURSUANT TO TITLE 38, CHAPTER  
13 4, ARTICLE 2.

14 41-111. Spaying and neutering of animals fund; definitions

15 A. THE SPAYING AND NEUTERING OF ANIMALS FUND IS ESTABLISHED CONSISTING  
16 OF MONIES RECEIVED PURSUANT TO SECTION 28-2420. THE COMPANION ANIMAL SPAY  
17 AND NEUTER COMMITTEE SHALL ADMINISTER THE FUND. THE FIRST THIRTY-TWO  
18 THOUSAND DOLLARS RECEIVED SHALL BE REIMBURSED TO THE ENTITY THAT PAID THE  
19 IMPLEMENTATION FEE TO THE DEPARTMENT OF TRANSPORTATION PURSUANT TO SECTION  
20 28-2420. EXCLUDING THE INITIAL THIRTY-TWO THOUSAND DOLLAR REIMBURSEMENT, NOT  
21 MORE THAN TEN PER CENT OF MONIES DEPOSITED IN THE FUND ANNUALLY SHALL BE USED  
22 FOR THE COST OF ADMINISTERING THE FUND. MONIES IN THE FUND ARE CONTINUOUSLY  
23 APPROPRIATED.

24 B. THE COMPANION ANIMAL SPAY AND NEUTER COMMITTEE SHALL ALLOCATE  
25 MONIES TO A QUALIFYING ENTITY THAT ALLOCATES THE MONIES TO PROGRAMS THAT SEEK  
26 TO REDUCE PET OVERPOPULATION BY STERILIZING, AT MINIMAL OR NO COST, DOGS AND  
27 CATS IN THIS STATE INCLUDING THOSE THAT ARE IMPOUNDED AND STERILIZED PURSUANT  
28 TO SECTION 11-1022. THE COMPANION ANIMAL SPAY AND NEUTER COMMITTEE SHALL  
29 ANNUALLY DISTRIBUTE ALL MONIES DEPOSITED IN THE SPAYING AND NEUTERING OF  
30 ANIMALS FUND, EXCLUDING ADMINISTRATIVE FEES, TO ANY QUALIFYING  
31 ENTITIES. FUNDS AWARDED PURSUANT TO THIS SECTION SHALL NOT BE USED TO  
32 STERILIZE ANIMALS THAT MAY BE EUTHANIZED UNLESS EUTHANASIA BECOMES NECESSARY  
33 DUE TO ILLNESS, INJURY OR BEHAVIOR.

34 C. ON NOTICE FROM THE COMPANION ANIMAL SPAY AND NEUTER COMMITTEE, THE  
35 STATE TREASURER SHALL INVEST AND DIVEST MONIES IN THE FUND AS PROVIDED BY  
36 SECTION 35-313, AND MONIES EARNED FROM INVESTMENT SHALL BE CREDITED TO THE  
37 FUND.

38 D. MONIES IN THE FUND ARE EXEMPT FROM THE PROVISIONS OF SECTION 35-190  
39 RELATING TO LAPSING OF APPROPRIATIONS.

40 E. BEFORE ALLOCATING MONIES PURSUANT TO SUBSECTION B OF THIS SECTION:  
41 1. THE COMPANION ANIMAL SPAY AND NEUTER COMMITTEE SHALL PREPARE AND  
42 ISSUE A REQUEST FOR DONATION APPLICATION THAT INCLUDES AT LEAST THE FOLLOWING  
43 INFORMATION:

44 (a) A DESCRIPTION OF THE PROJECT TYPES ELIGIBLE FOR FUNDING, INCLUDING  
45 THE SCOPE OF THE WORK TO BE PERFORMED BY AN AWARDEE.



1 (b) IDENTIFICATION OF THE FUNDING SOURCE AND THE TOTAL AMOUNT OF  
2 AVAILABLE MONIES.

3 (c) WHETHER A SINGLE AWARD OR MULTIPLE AWARDS MAY BE MADE.

4 (d) ENCOURAGEMENT OF COLLABORATION BY ENTITIES FOR COMMUNITY  
5 PARTNERSHIPS, IF APPROPRIATE.

6 (e) ANY ADDITIONAL INFORMATION REQUIRED BY THE APPLICATIONS.

7 (f) THE CRITERIA OR FACTORS UNDER WHICH AN APPLICATION WILL BE  
8 EVALUATED FOR AWARD AND THE RELATIVE IMPORTANCE OF EACH CRITERIA OR FACTOR.

9 (g) THE DUE DATE FOR SUBMITTAL OF AN APPLICATION AND THE ANTICIPATED  
10 TIME THE AWARDS MAY BE MADE.

11 2. ADEQUATE PUBLIC NOTICE OF THE REQUEST FOR DONATION APPLICATION  
12 SHALL BE GIVEN A REASONABLE TIME BEFORE THE DATE SET FORTH IN THE REQUEST FOR  
13 APPLICATION. THE NOTICE MAY INCLUDE PUBLICATION ONE OR MORE TIMES IN A  
14 NEWSPAPER OF GENERAL CIRCULATION IN THIS STATE A REASONABLE TIME BEFORE THE  
15 APPLICATION OPENING.

16 3. A PREAPPLICATION CONFERENCE MAY BE CONDUCTED BEFORE THE DUE DATE  
17 FOR THE SUBMITTAL OF AN APPLICATION TO EXPLAIN THE DONATION APPLICATION  
18 REQUIREMENTS. STATEMENTS MADE AT A PREAPPLICATION CONFERENCE ARE NOT  
19 AMENDMENTS TO A REQUEST FOR A DONATION APPLICATION UNLESS A WRITTEN AMENDMENT  
20 IS ISSUED.

21 4. A DONATION APPLICATION SHALL BE PUBLICLY RECEIVED AT THE TIME AND  
22 PLACE DESIGNATED IN THE REQUEST FOR DONATION APPLICATION. THE NAME OF EACH  
23 APPLICANT SHALL BE PUBLICLY READ AND RECORDED. ALL OTHER INFORMATION IN THE  
24 DONATION APPLICATION IS CONFIDENTIAL DURING THE PROCESS OF EVALUATION. ALL  
25 APPLICATIONS SHALL BE OPEN FOR PUBLIC INSPECTION AFTER DONATIONS ARE AWARDED.  
26 TO THE EXTENT THE APPLICANT DESIGNATES AND THE STATE CONCURS, TRADE SECRETS  
27 AND OTHER PROPRIETARY INFORMATION CONTAINED IN THE APPLICATION SHALL REMAIN  
28 CONFIDENTIAL.

29 5. AN APPLICATION SHALL BE EVALUATED BY AT LEAST FOUR EVALUATORS WHO  
30 ARE MEMBERS OF THE COMPANION ANIMAL SPAY AND NEUTER COMMITTEE. THE  
31 EVALUATORS MAY ALLOW AN APPLICANT TO MAKE AN ORAL OR WRITTEN PRESENTATION  
32 REGARDING THE SCOPE OF WORK, TERMS AND CONDITIONS OF THE DONATIONS, BUDGET  
33 AND OTHER RELEVANT MATTERS SET FORTH IN THE REQUEST FOR APPLICATION. AN  
34 APPLICANT SHALL BE ACCORDED FAIR TREATMENT WITH RESPECT TO ANY OPPORTUNITY  
35 FOR ORAL OR WRITTEN PRESENTATIONS. THE EVALUATORS MAY REQUIRE AN APPLICANT  
36 TO REVISE THE APPLICATION TO REFLECT INFORMATION PROVIDED IN AN ORAL OR  
37 WRITTEN PRESENTATION. ANY PERSON WHO HAS INFORMATION CONTAINED IN THE  
38 APPLICATION OF COMPETING APPLICANTS SHALL NOT DISCLOSE THAT INFORMATION.

39 6. THE EVALUATORS SHALL REVIEW EACH APPLICATION BASED SOLELY ON THE  
40 EVALUATION CRITERIA OR FACTORS SET FORTH IN THE REQUEST FOR DONATION  
41 APPLICATION. EACH EVALUATOR SHALL MAINTAIN A WRITTEN RECORD OF THE  
42 EVALUATOR'S ASSESSMENT OF EACH APPLICATION, WHICH SHALL INCLUDE COMMENTS  
43 REGARDING COMPLIANCE WITH EACH EVALUATION CRITERIA OR FACTOR, THE CITATION  
44 OF A SPECIFIC CRITERIA OR FACTOR AS THE BASIS OF EACH STATED STRENGTH OR

1 WEAKNESS AND A CLEAR DIFFERENTIATION BETWEEN COMMENTS BASED ON FACTS  
2 PRESENTED IN THE APPLICATION AND COMMENTS BASED ON PROFESSIONAL JUDGMENT.

3 7. THE EVALUATORS SHALL MAKE AWARD RECOMMENDATIONS TO THE COMPANION  
4 ANIMAL SPAY AND NEUTER COMMITTEE BASED ON THE EVALUATORS' REVIEWS OF EACH  
5 APPLICATION. THE EVALUATORS' RECOMMENDATIONS MAY INCLUDE THE ADJUSTMENT OF  
6 THE BUDGETS OF THE APPLICANTS INDIVIDUALLY OR COLLECTIVELY.

7 8. THE COMPANION ANIMAL SPAY AND NEUTER COMMITTEE MAY AFFIRM, MODIFY  
8 OR REJECT THE EVALUATORS' RECOMMENDATIONS IN WHOLE OR IN PART. MODIFICATION  
9 OF THE EVALUATORS' RECOMMENDATIONS MAY INCLUDE THE ADJUSTMENT OF THE BUDGET  
10 ON ANY PROPOSED AWARD INDIVIDUALLY OR ON ALL AWARDS BY AN AMOUNT OR  
11 PERCENTAGE. IF THE COMPANION ANIMAL SPAY AND NEUTER COMMITTEE MODIFIES OR  
12 REJECTS THE RECOMMENDATIONS, THE COMMITTEE SHALL DOCUMENT IN WRITING THE  
13 SPECIFIC JUSTIFICATIONS FOR THE ACTION TAKEN.

14 9. THE COMPANION ANIMAL SPAY AND NEUTER COMMITTEE MAY ENTER INTO  
15 AGREEMENTS WITH OTHER STATE GOVERNMENTAL UNITS TO FURNISH ASSISTANCE IN  
16 CONDUCTING THE SOLICITATION OF DONATION APPLICATIONS.

17 10. THE COMPANION ANIMAL SPAY AND NEUTER COMMITTEE MAY RESOLVE PROTESTS  
18 OF THE AWARD OR PROPOSED AWARD OF A DONATION. AN APPEAL FROM A DECISION OF  
19 THE COMPANION ANIMAL SPAY AND NEUTER COMMITTEE MAY BE MADE TO THE DIRECTOR  
20 OF THE DEPARTMENT OF ADMINISTRATION. A PROTEST OF AN AWARD OR PROPOSED AWARD  
21 OF A DONATION AND ANY APPEALS SHALL BE RESOLVED IN ACCORDANCE WITH THE RULES  
22 OF PROCEDURE ADOPTED BY THE DEPARTMENT OF ADMINISTRATION PURSUANT TO SECTION  
23 41-2611.

24 F. ON OR BEFORE DECEMBER 31 OF EACH YEAR, THE COMPANION ANIMAL SPAY  
25 AND NEUTER COMMITTEE SHALL SUBMIT A WRITTEN REPORT TO THE GOVERNOR, THE  
26 PRESIDENT OF THE SENATE AND THE SPEAKER OF THE HOUSE OF REPRESENTATIVES ON  
27 ALL EXPENDITURES MADE FROM THE FUND IN THAT CALENDAR YEAR. THE REPORT SHALL  
28 INCLUDE ALL ADMINISTRATIVE EXPENSES, ALL GRANTS OF MONIES, THE NAMES OF  
29 GRANTEES AND ANY REMAINING BALANCE IN THE FUND. THE COMMITTEE SHALL PROVIDE  
30 A COPY OF THE REPORT TO THE SECRETARY OF STATE AND THE DIRECTOR OF THE  
31 ARIZONA STATE LIBRARY, ARCHIVES AND PUBLIC RECORDS.

32 G. THE COMPANION ANIMAL SPAY AND NEUTER COMMITTEE SHALL MAKE AVAILABLE  
33 TO THE PUBLIC A LIST OF ALL GRANTS AWARDED PURSUANT TO THIS SECTION.

34 H. FOR THE PURPOSES OF THIS SECTION:

35 1. "DONATION" MEANS FURNISHING FINANCIAL OR OTHER ASSISTANCE,  
36 INCLUDING STATE MONIES OR FEDERAL GRANT MONIES, BY THE COMPANION ANIMAL SPAY  
37 AND NEUTER COMMITTEE TO ANY QUALIFYING ENTITY THAT ALLOCATES THE MONIES TO  
38 PROGRAMS THAT SEEK TO REDUCE PET OVERPOPULATION BY STERILIZING, AT MINIMAL  
39 OR NO COST, DOGS AND CATS IN THIS STATE THAT ARE OWNED BY THE GENERAL PUBLIC  
40 OR THAT ARE IMPOUNDED AND STERILIZED PURSUANT TO SECTION 11-1022.

41 2. "QUALIFYING ENTITY" MEANS EITHER OF THE FOLLOWING:

42 (a) AN ANIMAL WELFARE ORGANIZATION THAT FILES UNDER SECTION 501(c)(3)  
43 OF THE UNITED STATES INTERNAL REVENUE CODE FOR FEDERAL INCOME TAX PURPOSES  
44 AND THAT OFFERS OR SUBSIDIZES STERILIZATION SERVICES OF DOGS AND CATS,

1 INCLUDING ORGANIZATIONS REPRESENTED ON THE COMPANION ANIMAL SPAY AND NEUTER  
2 COMMITTEE.

3 (b) AN ANIMAL CONTROL AGENCY THAT OFFERS OR SUBSIDIZES STERILIZATION  
4 SERVICES OF DOGS AND CATS, INCLUDING ORGANIZATIONS REPRESENTED ON THE  
5 COMPANION ANIMAL SPAY AND NEUTER COMMITTEE.

6 Sec. 8. Initial terms of members of the companion animal spay  
7 and neuter committee

8 A. Notwithstanding section 41-110, Arizona Revised Statutes, as added  
9 by this act, the initial terms of members are:

10 1. Two terms ending January 1, 2006.

11 2. Two terms ending January 1, 2007.

12 3. Three terms ending January 1, 2008.

13 B. The governor shall make all subsequent appointments as prescribed  
14 by statute.

APPROVED BY THE GOVERNOR JUNE 3, 2004.

FILED IN THE OFFICE OF THE SECRETARY OF STATE JUNE 3, 2004.

Passed the House March 11, 2004

by the following vote: 40 Ayes,

17 Nays, 3 Not Voting

Mike Flake  
Speaker of the House

Norman L. Fyfe  
Chief Clerk of the House

Passed the Senate May 10, 2004

by the following vote: 23 Ayes,

4 Nays, 3 Not Voting

Klu Blumett  
President of the Senate

Charmine Bellington  
Secretary of the Senate

**EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF GOVERNOR**

This Bill was received by the Governor this

\_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_,

at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

\_\_\_\_\_  
Secretary to the Governor

Approved this \_\_\_\_\_ day of

\_\_\_\_\_, 20\_\_\_\_,

at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

\_\_\_\_\_  
Governor of Arizona

H.B. 2323

**EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF SECRETARY OF STATE**

This Bill was received by the Secretary of State

this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_,

at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

\_\_\_\_\_  
Secretary of State

HOUSE FINAL PASSAGE  
as per Joint Conference

Passed the House May 26, 2004,

by the following vote: 40 Ayes,

13 Nays, 7 Not Voting

Jake Flake  
Speaker of the House

Thomas L. Joyce  
Chief Clerk of the House

SENATE FINAL PASSAGE  
as per Joint Conference

Passed the Senate May 26, 2004,

by the following vote: 24 Ayes,

6 Nays, 0 Not Voting

Ken Bennett  
President of the Senate

Charmine B. Blandford  
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF GOVERNOR

This Bill was received by the Governor

this 27th day of May, 2004

at 8:35 o'clock a. M.

Wendy Ybarra  
Secretary to the Governor

Approved this 3 day of

June, 2004,

at 3<sup>rd</sup> o'clock P. M.

J. N. ...  
Governor of Arizona

H.B. 2323

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 3 day of June, 2004,

at 4:22 o'clock P. M.

Janice L. Brewer  
Secretary of State